

**COMMENTS CONCERNING RAISED BILL NO.1119
AN ACT ESTABLISHING AN OFFICE OF CONDOMINIUM OMBUDSMAN
AND REVISING CERTAIN COMMON INTEREST COMMUNITY REQUIREMENTS
By Kim McClain**

Summary

S.B. 1119 proposes to do the following:

- A. Establish an office of a condominium ombudsman to investigate and resolve complaints filed by unit owners against their associations or against the officers, directors or managers of their associations.
- B. Eliminate cumbersome and expensive procedures that many associations must currently follow in order for them to take advantage of certain powers and flexibilities granted by the Common Interest Ownership Act.
- C. Clarify the kinds of records that associations must keep, and the ability of the unit owners to examine those records.
- D. Empower the animal control officer to enter onto the common elements of the community to impound animals that are not under the control of their owners.

For the reasons stated below, the Connecticut General Assembly should not adopt the provisions of the bill that establish an office of a condominium ombudsman, but should adopt the balance of the bill.

Kim McClain

I currently serve as the Executive Director of the Connecticut Chapter of the Community Associations Institute (CAI-CT). CAI-CT is the educational and technical assistance entity for community associations and their service providers in Connecticut.

I am submitting comments, to present my insights into how the proposed bill will affect the more than 4,000 common interest communities in Connecticut, and the hundreds of thousands of people who live in them.

Statement

CAL-CT OPPOSES the provision regarding the creation of the Office of Condominium Ombudsman in S.B. 1119 for the following reasons:

1. Most of the complaints received in the CAI-CT office are typically caused by lack of education on the part of the association boards and/or unit owners. The community associations in the State of Connecticut would be better served if all parties were better educated about the rights and responsibilities of boards and owners.
2. The amendments to the Common Interest Ownership Act (CIOA) proposed in H.B. 6672 address the many of issues that would cause a grievance to be filed.



3. H.B. 1119 would create an imbalance, as boards would not be given the opportunity to file a grievance against an abusive unit owner. Under the proposed bill, all boards would be required to pay a fee to defend a grievance filed by a unit owner.
4. Associations will incur increased expenses due to their likely need to hire legal counsel to defend against a grievance. Also, property managers will be forced to pass onto their clients the increased costs for time allocated to defend complaints.
5. Association boards are democratically elected. Unit owners are responsible for electing or removing board members. State government should not be acting in a supervisory capacity with respect to associations.
6. In these times of dire deficits, Connecticut cannot afford the \$350,000+ cost of creating an Office of the Ombudsman.

CAI-CT SUPPORTS the provisions of S.B. 1119 which will eliminate cumbersome and expensive procedures that many associations must currently follow in order for them to take advantage of certain powers and flexibilities granted by the Common Interest Ownership Act. These provisions will also accomplish the following:

1. Limitations on challenges to amendments.
2. Rights of secured lenders.
3. Clarifies the kinds of records that associations must keep, and the ability of the unit owners to examine those records.
4. Empowers the animal control officer to enter onto the common elements of the community to impound animals that are not under the control of their owners.

The Connecticut Common Interest Ownership Act Law Revision Commission is in the process of drafting revisions. These revisions will provide many changes which will create greater transparency in association governance. Community associations in Connecticut would be better served if the CIOA amendments are implemented instead of imposing costly programs such as the creation of a condominium Ombudsman which would inevitably serve to harm associations in the long run.

We would be happy to further discuss with you this issue, or any other affecting common interest communities in Connecticut. Please do not hesitate to contact us with any questions or concerns. I can be reached at 860-633-5692 or email: caictkmccain@sbcglobal.net.